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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,180	05/24/2001	Maurice Eduardus Theodorus van Esbroeck	V0028/258606	4606

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EXAMINER

EDWARDS, LAURA ESTELLE

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/865,180

Applicant(s)

MAURICE EDUARDUS
THEODORUS VAN ESBROECK

Examiner

Laura Edwards

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34, 61-65, 67, 69, 70, 72, 73 and 75-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34, 61-65, 67, 69, 70, 72, 73 and 75-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 30, 61, 67, 69, 70, 73, 75, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), Ludwig (US 5,449,524) and Snowden (US 3,631,563).

Dew teaches an apparatus for treating meat products comprising a conveyor device (including one to spiraling; col. 5, lines 12-20) having meat product holders which are displaceable along a track to convey the meat products; at least one aqueous based flavoring application or marinade station located adjacent the conveyor device, each meat product sequentially passed by the application station, and the application station comprising at least one nozzle for supplying the aqueous based flavoring under pressure so as to be jetted onto the outer surface of the meat product (Fig. 1; col. 5, lines 47-56). Dew is silent concerning 1) the conveyor device including a rotary member to rotate the meat product, 2) processing the meat so as to provide a different marinade via at least one application station, and 3) using at least one nozzle to provide at least one overlapping layer of marinade on the meat. However, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of a conveyor device having a track with a plurality of displaceable meat holders that hold meat and rotate the meat so as to enable processing and inspection of all surfaces of the meat as evidenced by Janssen et al (col. 10, lines 11-23). One of ordinary skill in the art would expect to use a rotatable conveyor arrangement as taught by Janssen et al in the Dew device because Dew recognizes the use of alternative conveyor systems including one that spirals and the use of a

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rotary conveyor would enable substantially all outer surface of the poultry or meat to be treated. Secondly, it was known in the art, at the time the invention was made, to provide plural marinade application stations to treat a conveyed meat product with one marinade station providing a different marinade than the other stations as evidenced by Ludwig (see col. 3, lines 45-49 and col. 4, lines 8-10). It would have been obvious to one of ordinary skill in the art to provide plural marinade application stations with at least one different marinade from the rest of the stations as taught by Ludwig, in the apparatus defined by the combination above in order to provide a more flavorful meat product due the incorporation of plural flavoring treatments to a single meat product. Thirdly, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of at least one oscillating nozzle to provide uniform overlapping sprays of fluid to conveyed meat (i.e., poultry) as evidenced by Snowden (See Fig. 17; col. 11, lines 6-10). It would have been obvious to one of ordinary skill in the art to provide at least one oscillating nozzle, as taught by Snowden, in the apparatus as defined by the combination above, in order to evenly, or uniformly coat the outer surface of conveyed meat with overlapping sprays of marinade.

With respect to the use of some nozzles for different marinades, Ludwig recognizes that the different marinades can be applied to different portions of a given meat product for providing a greater oil or fat content to one part (breast) of the meat as oppose to another part (leg) as evidenced by col. 3, lines 45-49 such that it would be within the purview of one skilled in the art to utilize some nozzles in the apparatus, as defined by the combination above, with different marinades to coat at least a selected portion of the outer surface of the meat product.

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With respect to the conveyor providing the meat product in different orientations or positions relative to the application nozzles, see Dew, col. 5, lines 9-22.

Claims 31-33 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Muschany (US 4,627,007).

The teachings of Dew, Janssen et al, Ludwig, and Snowden have been mentioned above but none teach or suggest detection means for observing a parameter of the meat product prior to application of the marinade. However, it was known in the art, at the time the invention was made, to provide a detection means to observe the shape and/or anatomy of the meat product via use of photosensor or camera unit to facilitate determination of the proper amount of flavoring additive to apply to the meat product as evidenced by Muschany (see col. 5, lines 9-15 and lines 25-32). It would have been obvious to one of ordinary skill in the art to provide a detection means as taught by Muschany in the apparatus as defined by the combination above in order to enable the observation of the shape and/or anatomy of the meat product to determine the proper amount of flavoring additive or marinade to apply to the meat product.

With respect to the use of a weigher, neither Dew, Janssen et al, Ludwig, nor Snowden recognize the use of a weigher, however, Muschany recognizes the use of the weigher in conjunction with the detection means to facilitate determination of the proper amount of flavoring additive to apply to the meat product (see Muschany col. 5, lines 25-39). It would have been obvious to one of ordinary skill in the art to provide a weigher in combination with the

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detection means in the apparatus as defined by the combination above in order to determine the proper amount of flavoring additive or marinade to apply to the meat product.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Evans et al (US 6,010,726).

The teachings of Dew, Janssen et al, Ludwig, and Snowden have been mentioned above but none teach or suggest an adhesive applying means for applying adhesive to selected portions of the meat product prior to the marinade application. However, it was known in the art, at the time the invention was made, to utilize a resistivity modification composition (i.e., adhesive composition), via an atomizing sprayer system, on an edible food product to facilitate the adherence of solid or liquid flavorings onto a desired surface of the food product as evidenced by Evans et al (see col. 3, lines 45 to col. 4 line 44; col. 10, lines 19-59). It would have been obvious to one of ordinary skill in the art to provide an atomized spray adhesive applying means as taught by Evans et al in the apparatus as defined by the combination above in order to treat the meat product first with adhesive composition to ensure adherence of the later applied marinades to the selected surface of the meat product.

Claims 63 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Vincent et al (GB 2,177,585).

The teachings of Dew, Janssen et al, Ludwig, and Snowden have been mentioned above but none teach or suggest the use of shielding means to shield selected portions of the meat product from being sprayed with marinade. However, it was known in the art, at the time the invention was made to utilize shielding means to shield selected portions of a food product from being sprayed with a liquid coating material as evidenced by Vincent et al (see pg. 3, lines 22-36). As noted from the pg. 3 cite, Vincent et al utilize the shielding means to provide a pattern, lettering, figuring, or pictures on the food product such that it would have been obvious to one of ordinary skill in the art to provide shielding means in the apparatus as defined by the combination above in order to enable selected portions of the meat product to be shielded from marinade sprayed thereon to effect a pattern, lettering, figuring, or pictures on the meat product.

With respect to the use of at least one application station including means for generating gas flow with particles entrained in the gas flow, neither Dew, Janssen et al, Ludwig, nor Snowden recognize dry marinade application station whereby seasoning/flavoring in particulate form is sprayed under pressure onto to the meat product. However, Vincent et al recognize pressurized spraying of seasoning/flavoring in powder form onto the food product (see pg. 2, lines 86-100 and pg. 3, lines 1-7). In light of the teachings of Vincent et al, it would have been obvious to one of ordinary skill in the art to provide at least one dry marinade application station including means for generating gas flow with flavored particles entrained in the gas flow in the apparatus as defined by the combination above as an alternative dry marinade application system.

Claims 64 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221), Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Snowden (US 3,631,563) as applied to claim 30 above, and further in view of Newman (US 5,668,634) or Gorl (US 4,413,279).

Dew, Janssen et al, Ludwig, and Snowden provide an apparatus for treating meat products as set forth above but none teach or suggest the use of analyzing means in the form of a camera to inspect the quality of the final meat product. However, it was known in the art, at the time the invention was made to utilize analyzing means in the form of a camera to establish the quality of a processed meat product as evidenced by either Newman or Gorl (see abstracts). In light of the teachings of either Newman or Gorl, it would have been obvious to one of ordinary skill in the art to provide analyzing means in the form of a camera to determine the final quality of the processed meat products so as to determine whether further processing was required.

Claim 77 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671) and Ludwig (US 5,449,524).

Dew teaches an apparatus for treating meat products comprising a conveyor device (including one to spiraling; col. 5, lines 12-20) having meat product holders which are displaceable along a track to convey the meat products; at least one aqueous based flavoring application or marinade station located adjacent the conveyor device, each meat product sequentially, passed by the application station, and the application station comprising at least one nozzle for supplying the aqueous based flavoring under pressure so as to be jetted onto the outer surface of the meat product (See Fig. 1; col. 5, lines 47-56). Dew is silent concerning 1) the

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conveyor device including a rotary member to rotate the meat product about a vertical axis and

2) plural application stations wherein at least one application station provides a different marinade than the other stations. However, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of a conveyor device having a track with a plurality of displaceable meat holders that hold meat and automatically rotate the meat during processing as evidenced by Janssen et al (col. 10, lines 11-23). One of ordinary skill in the art would expect to use a rotatable conveyor arrangement as taught by Janssen et al in the Dew device because Dew recognizes the use of alternative conveyor systems including one that spirals and the use of a rotary conveyor would enable substantially all outer surface of the poultry or meat to be inspected and treated. Secondly, it was known in the art, at the time the invention was made, to provide plural marinade application stations to treat a conveyed meat product with one marinade station providing a different marinade than the other stations as evidenced by Ludwig (see col. 3, lines 45-49 and col. 4, lines 8-10). It would have been obvious to one of ordinary skill in the art to provide plural marinade application stations with at least one different marinade from the rest of the stations as taught by Ludwig in the apparatus defined by the combination above in order to provide a more flavorful meat product due the incorporation of plural flavoring treatments to a single meat product.

Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), and Ludwig (US 5,449,524) as applied to claim 77 above, and further in view of Vincent et al (GB 2,177,585).

The teachings of Dew, Janssen et al, and Ludwig have been mentioned above but none teach or suggest at least one application station including means for generating gas flow with particles entrained in the gas flow so as to provide a dry marinade application station whereby seasoning/flavoring in particulate form is sprayed under pressure onto to the meat product. However, Vincent et al recognize pressurized spraying of seasoning/flavoring in powder form onto the food product (see pg. 2, lines 86-100 and pg. 3, lines 1-7). In light of the teachings of Vincent et al, it would have been obvious to one of ordinary skill in the art to provide at least one dry marinade application station including means for generating gas flow with flavored particles entrained in the gas flow in the apparatus as defined by the combination above as an alternative dry marinade application system.

Claims 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dew (US 4,196,221) in view of Janssen et al (WO 93/13671), Ludwig (US 5,449,524), and Evans et al (US 6,010,726).

Dew teaches an apparatus for treating meat products comprising a conveyor device (including one to spiraling; col. 5, lines 12-20) having meat product holders which are displaceable along a track to convey the meat products; at least one aqueous based flavoring additive application or marinade station located adjacent the conveyor device, each meat product sequentially passed by the application station, and the application station comprising at least one nozzle for supplying the aqueous based flavoring under pressure so as to be jetted onto the outer surface of the meat product. Dew is silent concerning 1) conveyor device including a rotary member to rotate the meat product about a vertical axis, 2) plural application stations wherein

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each application station provides a different marinade, and 3) an adhesive application station prior to the "additive application stations. However, it was known in the art, at the time the invention was made, to provide in a meat or poultry processing apparatus, the use of a conveyor device having a track with a plurality of displaceable meat holders that hold meat and rotate the meat during processing and inspecting as evidenced by Janssen et al (col. 10, lines 11-23). One of ordinary skill in the art would expect to use a rotatable conveyor arrangement as taught by Janssen et al in the Dew device because Dew recognizes the use of alternative conveyor systems including one that spirals and the use of a rotary conveyor would enable substantially all outer surface of the poultry or meat to be treated. Secondly, it was known in the art, at the time the invention was made, to provide different marinade application stations to sequentially treat a conveyed meat product as evidenced by Ludwig (see c01.3, lines 45-49 and col. 4, lines 8-10). It would have been obvious to one of ordinary skill in the art to provide different marinade application stations as taught by Ludwig, in the apparatus defined by the combination above in order to provide a more flavorful meat product due the incorporation of plural flavoring treatments to a single meat product. Thirdly, it was known in the art, at the time the invention was made, to utilize a resistivity modification composition (i.e., adhesive composition), via an atomizing sprayer system, on an edible food product to facilitate the adherence of solid or liquid flavorings onto a desired surface of the food product as evidenced by Evans et al (see col. 3, lines 45 to col. 4 line 44; col. 10, lines 19-59). It would have been obvious to one of ordinary skill in the art to provide an atomized spray adhesive applying means as taught by Evans et al in the apparatus as defined by the combination above in order to treat the meat product first with

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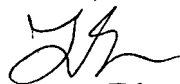
adhesive composition to ensure adherence of the later applied marinades to the selected surface of the meat product.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Edwards whose telephone number is (571) 272-1227. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Laura Edwards
Primary Examiner
Art Unit 1792

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October 15, 2007